

# HOUSE BILL No. 1614

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-20-35; IC 20-26-5-4; IC 20-26-7-45.

**Synopsis:** Standard architectural designs for schools. Requires the department of education to develop and make available to school corporations standardized plans for new school facilities and for renovations and expansions of existing school facilities that are ready to be bid for construction. Requires a school corporation proposing to build a new facility or to renovate or expand an existing facility to use the plans prepared by the department.

**Effective:** July 1, 2007.

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January 23, 2007, read first time and referred to Committee on Education.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## HOUSE BILL No. 1614

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A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 20-20-35 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2007]:  
4 **Chapter 35. School Building Plans**  
5 **Sec. 1. (a) The department shall develop a series of standardized**  
6 **plans for:**  
7 (1) **new school facilities; and**  
8 (2) **renovations and expansions of existing school facilities.**  
9 (b) **The plans must be for school facilities of different:**  
10 (1) **sizes based upon pupil enrollment; and**  
11 (2) **types, including grade levels.**  
12 **Sec. 2. (a) The plans developed under this chapter must be based**  
13 **on designs for school facilities that:**  
14 (1) **are economical to construct and maintain;**  
15 (2) **are energy efficient;**  
16 (3) **provide for efficient long term maintenance;**  
17 (4) **provide adequately for the health and safety of pupils and**



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1 teachers; and

2 (5) comply with federal and state laws.

3 (b) The plans developed under this chapter must set forth the  
4 estimated cost per square foot to construct the school facilities.

5 Sec. 3. The department may employ or contract with architects,  
6 engineers, and other professionals to develop plans under this  
7 chapter.

8 Sec. 4. The department may modify plans developed under this  
9 chapter when necessary.

10 Sec. 5. Before a plan developed under this chapter may be  
11 provided to a school corporation, the plan must:

12 (1) include specifications for materials and labor; and

13 (2) be ready to be bid for construction.

14 Sec. 6. The department shall:

15 (1) notify each school corporation of the plans developed  
16 under this chapter; and

17 (2) make the plans available to a school corporation upon  
18 request.

19 SECTION 2. IC 20-26-5-4, AS AMENDED BY P.L.168-2006,  
20 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
21 JULY 1, 2007]: Sec. 4. In carrying out the school purposes of a school  
22 corporation, the governing body acting on the school corporation's  
23 behalf has the following specific powers:

24 (1) In the name of the school corporation, to sue and be sued and  
25 to enter into contracts in matters permitted by applicable law.

26 (2) To take charge of, manage, and conduct the educational affairs  
27 of the school corporation and to establish, locate, and provide the  
28 necessary schools, school libraries, other libraries where  
29 permitted by law, other buildings, facilities, property, and  
30 equipment.

31 (3) To appropriate from the school corporation's general fund an  
32 amount, not to exceed the greater of three thousand dollars  
33 (\$3,000) per budget year or one dollar (\$1) per pupil, not to  
34 exceed twelve thousand five hundred dollars (\$12,500), based on  
35 the school corporation's previous year's ADM, to promote the best  
36 interests of the school corporation through:

37 (A) the purchase of meals, decorations, memorabilia, or  
38 awards;

39 (B) provision for expenses incurred in interviewing job  
40 applicants; or

41 (C) developing relations with other governmental units.

42 (4) Subject to IC 20-26-7-45, to:

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(A) Acquire, construct, erect, maintain, hold, and contract for construction, erection, or maintenance of real estate, real estate improvements, or an interest in real estate or real estate improvements, as the governing body considers necessary for school purposes, including buildings, parts of buildings, additions to buildings, rooms, gymnasiums, auditoriums, playgrounds, playing and athletic fields, facilities for physical training, buildings for administrative, office, warehouse, repair activities, or housing school owned buses, landscaping, walks, drives, parking areas, roadways, easements and facilities for power, sewer, water, roadway, access, storm and surface water, drinking water, gas, electricity, other utilities and similar purposes, by purchase, either outright for cash (or under conditional sales or purchase money contracts providing for a retention of a security interest by the seller until payment is made or by notes where the contract, security retention, or note is permitted by applicable law), by exchange, by gift, by devise, by eminent domain, by lease with or without option to purchase, or by lease under IC 20-47-2, IC 20-47-3, or IC 20-47-5.

(B) Repair, remodel, remove, or demolish, or to contract for the repair, remodeling, removal, or demolition of the real estate, real estate improvements, or interest in the real estate or real estate improvements, as the governing body considers necessary for school purposes.

(C) Provide for conservation measures through utility efficiency programs or under a guaranteed savings contract as described in IC 36-1-12.5.

(5) To acquire personal property or an interest in personal property as the governing body considers necessary for school purposes, including buses, motor vehicles, equipment, apparatus, appliances, books, furniture, and supplies, either by cash purchase or under conditional sales or purchase money contracts providing for a security interest by the seller until payment is made or by notes where the contract, security, retention, or note is permitted by applicable law, by gift, by devise, by loan, or by lease with or without option to purchase and to repair, remodel, remove, relocate, and demolish the personal property. All purchases and contracts specified under the powers authorized under subdivision (4) and this subdivision are subject solely to applicable law relating to purchases and contracting by municipal corporations in general and to the supervisory control of state agencies as

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provided in section 6 of this chapter.

(6) To sell or exchange real or personal property or interest in real or personal property that, in the opinion of the governing body, is not necessary for school purposes, in accordance with IC 20-26-7, to demolish or otherwise dispose of the property if, in the opinion of the governing body, the property is not necessary for school purposes and is worthless, and to pay the expenses for the demolition or disposition.

(7) To lease any school property for a rental that the governing body considers reasonable or to permit the free use of school property for:

(A) civic or public purposes; or

(B) the operation of a school age child care program for children who are at least five (5) years of age and less than fifteen (15) years of age that operates before or after the school day, or both, and during periods when school is not in session; if the property is not needed for school purposes. Under this subdivision, the governing body may enter into a long term lease with a nonprofit corporation, community service organization, or other governmental entity, if the corporation, organization, or other governmental entity will use the property to be leased for civic or public purposes or for a school age child care program. However, if payment for the property subject to a long term lease is made from money in the school corporation's debt service fund, all proceeds from the long term lease must be deposited in the school corporation's debt service fund so long as payment for the property has not been made. The governing body may, at the governing body's option, use the procedure specified in IC 36-1-11-10 in leasing property under this subdivision.

(8) To:

(A) Employ, contract for, and discharge superintendents, supervisors, principals, teachers, librarians, athletic coaches (whether or not they are otherwise employed by the school corporation and whether or not they are licensed under IC 20-28-5), business managers, superintendents of buildings and grounds, janitors, engineers, architects, physicians, dentists, nurses, accountants, teacher aides performing noninstructional duties, educational and other professional consultants, data processing and computer service for school purposes, including the making of schedules, the keeping and analyzing of grades and other student data, the keeping and preparing of warrants, payroll, and similar data where

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approved by the state board of accounts as provided below, and other personnel or services as the governing body considers necessary for school purposes.

(B) Fix and pay the salaries and compensation of persons and services described in this subdivision.

(C) Classify persons or services described in this subdivision and to adopt schedules of salaries or compensation.

(D) Determine the number of the persons or the amount of the services employed or contracted for as provided in this subdivision.

(E) Determine the nature and extent of the duties of the persons described in this subdivision.

The compensation, terms of employment, and discharge of teachers are, however, subject to and governed by the laws relating to employment, contracting, compensation, and discharge of teachers. The compensation, terms of employment, and discharge of bus drivers are subject to and governed by laws relating to employment, contracting, compensation, and discharge of bus drivers. The forms and procedures relating to the use of computer and data processing equipment in handling the financial affairs of the school corporation must be submitted to the state board of accounts for approval so that the services are used by the school corporation when the governing body determines that it is in the best interest of the school corporation while at the same time providing reasonable accountability for the funds expended.

(9) Notwithstanding the appropriation limitation in subdivision (3), when the governing body by resolution considers a trip by an employee of the school corporation or by a member of the governing body to be in the interest of the school corporation, including attending meetings, conferences, or examining equipment, buildings, and installation in other areas, to permit the employee to be absent in connection with the trip without any loss in pay and to reimburse the employee or the member the employee's or member's reasonable lodging and meal expenses and necessary transportation expenses. To pay teaching personnel for time spent in sponsoring and working with school related trips or activities.

(10) To transport children to and from school, when in the opinion of the governing body the transportation is necessary, including considerations for the safety of the children and without regard to the distance the children live from the school. The transportation must be otherwise in accordance with applicable

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1 law.

2 (11) To provide a lunch program for a part or all of the students  
3 attending the schools of the school corporation, including the  
4 establishment of kitchens, kitchen facilities, kitchen equipment,  
5 lunch rooms, the hiring of the necessary personnel to operate the  
6 lunch program, and the purchase of material and supplies for the  
7 lunch program, charging students for the operational costs of the  
8 lunch program, fixing the price per meal or per food item. To  
9 operate the lunch program as an extracurricular activity, subject  
10 to the supervision of the governing body. To participate in a  
11 surplus commodity or lunch aid program.

12 (12) To purchase textbooks, to furnish textbooks without cost or  
13 to rent textbooks to students, to participate in a textbook aid  
14 program, all in accordance with applicable law.

15 (13) To accept students transferred from other school corporations  
16 and to transfer students to other school corporations in accordance  
17 with applicable law.

18 (14) To make budgets, to appropriate funds, and to disburse the  
19 money of the school corporation in accordance with applicable  
20 law. To borrow money against current tax collections and  
21 otherwise to borrow money, in accordance with IC 20-48-1.

22 (15) To purchase insurance or to establish and maintain a  
23 program of self-insurance relating to the liability of the school  
24 corporation or the school corporation's employees in connection  
25 with motor vehicles or property and for additional coverage to the  
26 extent permitted and in accordance with IC 34-13-3-20. To  
27 purchase additional insurance or to establish and maintain a  
28 program of self-insurance protecting the school corporation and  
29 members of the governing body, employees, contractors, or agents  
30 of the school corporation from liability, risk, accident, or loss  
31 related to school property, school contract, school or school  
32 related activity, including the purchase of insurance or the  
33 establishment and maintenance of a self-insurance program  
34 protecting persons described in this subdivision against false  
35 imprisonment, false arrest, libel, or slander for acts committed in  
36 the course of the persons' employment, protecting the school  
37 corporation for fire and extended coverage and other casualty  
38 risks to the extent of replacement cost, loss of use, and other  
39 insurable risks relating to property owned, leased, or held by the  
40 school corporation. To:

41 (A) participate in a state employee health plan under  
42 IC 5-10-8-6.6;

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- 1 (B) purchase insurance; or  
 2 (C) establish and maintain a program of self-insurance;  
 3 to benefit school corporation employees, including accident,  
 4 sickness, health, or dental coverage, provided that a plan of  
 5 self-insurance must include an aggregate stop-loss provision.  
 6 (16) To make all applications, to enter into all contracts, and to  
 7 sign all documents necessary for the receipt of aid, money, or  
 8 property from the state, the federal government, or from any other  
 9 source.  
 10 (17) To defend a member of the governing body or any employee  
 11 of the school corporation in any suit arising out of the  
 12 performance of the member's or employee's duties for or  
 13 employment with, the school corporation, if the governing body  
 14 by resolution determined that the action was taken in good faith.  
 15 To save any member or employee harmless from any liability,  
 16 cost, or damage in connection with the performance, including the  
 17 payment of legal fees, except where the liability, cost, or damage  
 18 is predicated on or arises out of the bad faith of the member or  
 19 employee, or is a claim or judgment based on the member's or  
 20 employee's malfeasance in office or employment.  
 21 (18) To prepare, make, enforce, amend, or repeal rules,  
 22 regulations, and procedures:  
 23 (A) for the government and management of the schools,  
 24 property, facilities, and activities of the school corporation, the  
 25 school corporation's agents, employees, and pupils and for the  
 26 operation of the governing body; and  
 27 (B) that may be designated by an appropriate title such as  
 28 "policy handbook", "bylaws", or "rules and regulations".  
 29 (19) To ratify and approve any action taken by a member of the  
 30 governing body, an officer of the governing body, or an employee  
 31 of the school corporation after the action is taken, if the action  
 32 could have been approved in advance, and in connection with the  
 33 action to pay the expense or compensation permitted under  
 34 IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and  
 35 IC 20-48-1 or any other law.  
 36 (20) To exercise any other power and make any expenditure in  
 37 carrying out the governing body's general powers and purposes  
 38 provided in this chapter or in carrying out the powers delineated  
 39 in this section which is reasonable from a business or educational  
 40 standpoint in carrying out school purposes of the school  
 41 corporation, including the acquisition of property or the  
 42 employment or contracting for services, even though the power or

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expenditure is not specifically set out in this chapter. The specific powers set out in this section do not limit the general grant of powers provided in this chapter except where a limitation is set out in IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and IC 20-48-1 by specific language or by reference to other law.

SECTION 3. IC 20-26-7-45 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 45. (a) After June 30, 2008, if a governing body determines that it is necessary to:**

**(1) construct a new school facility; or**

**(2) either:**

**(A) renovate; or**

**(B) expand;**

**an existing school facility;**

**the governing body shall acquire from the department the plans developed under IC 20-20-35 for a facility of the size and type that the governing body proposes to build, renovate, or expand.**

**(b) The governing body may carry out the construction, renovation, or expansion of a school facility only if plans developed under IC 20-20-35 are used for the construction, renovation, or expansion.**

SECTION 4. [EFFECTIVE JULY 1, 2007] **(a) The department of education shall develop the school facility plans required under IC 20-20-35, as added by this act, not later than June 30, 2008.**

**(b) This SECTION expires July 1, 2008.**

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